ARTICLE 7 PLANNED UNIT DEVELOPMENTS

DIVISION 1 GENERAL

Section 7.100 General Provisions of the Planned Unit Development

- A. **Purposes.** A Planned Unit Development (PUD) is a customized zoning designation. The purpose of a PUD is to permit and encourage greater flexibility and innovation so that the development is compatible with the site's physical and environmental characteristics. The PUD provides an opportunity for a mixture of uses and housing types in a coordinated manner that may not be possible in a traditional zoning district.
- B. Conformity with the County Comprehensive Plan. No PUD shall be approved unless it is found by the Board of County Commissioners to conform to the County's Comprehensive Plan. When appropriate, an application for an amendment to the Costilla County Comprehensive Plan may be made as part of a PUD application. Any application for Comprehensive Plan amendment must be approved by the Planning Commission, prior to its recommendation on the PUD application, and may occur at the same meeting. Applications for Comprehensive Plan amendment shall include justification for the amendment based upon criteria for establishing land use designations contained in the County Comprehensive Plan.

C. Relationship to Zoning and Subdivision

- 1. The PUD is a type of customized zoning district. The PUD application submittal requirements, review procedures and approval standards are set forth below, and shall apply to any PUD rezoning instead of the requirements and standards applicable to rezoning.
- 2. The Board of County Commissioners may, at the time of zoning as a PUD, waive or modify specifications, standards and requirements such as density, set backs, height restrictions, land dedications, improvement standards and related requirements that would be otherwise applicable to a particular land use, if such waiver or modification furthers the objectives of these regulations.
- 3. Where individual lots will be created within the boundaries of a PUD zone, the Subdivision Regulations at Article 9 of this Land Use Code shall apply, and the PUD shall be reviewed together with the preliminary plat for the subdivision.
- 4. All uses that are permitted in the underlying zone district where the PUD is located and any other uses that are consistent with the County Comprehensive Plan may be permitted in a PUD.

Section 7.110 Application Submittal Requirements and Review Procedures for Planned Unit Development

- **A. Pre-application Meeting and PUD Concept.** Applicants shall schedule and attend a Pre-application Meeting before filing an application for a Preliminary or Final PUD Review. The applicant shall present a Concept Narrative of the proposed PUD at the time of the meeting, in a format established by the Land Use Administrator.
 - 1. **Concept Narrative Requirements**. The Concept Narrative shall discuss the proposed PUD in sufficient detail to accurately convey the general concept of the proposal. Detail should include:
 - a. <u>Concept Description</u>. Location of property; existing zoning, use and applicable information regarding density; proposed zoning, use, densities and lot sizes as applicable to proposal; existing zoning and use of surrounding property, including applicable information regarding densities; existing and proposed access; existing and proposed source of water; existing and proposed wastewater treatment system; phasing if entire project is not being done at one time; unique features on the site which might enhance the site and proposed use; a discussion of the anticipated impacts and proposed mitigation.
 - b. <u>Additional Information Required</u>. At the request of the Administrator, the applicant shall provide any reasonable additional conceptual information as needed to help clarify the proposal being made.
- **B. PUD Preliminary Plan Application and Review**. Following the pre-application meeting, the Applicant shall submit the PUD Preliminary Plan. The following application submittal requirements and review procedures shall apply to the PUD Preliminary Review.
 - 1. **Application Submittal Requirements**. In addition to the submittal requirements provided for in Section 3.500, Rezoning, the following information shall be submitted to the Land Use Administrator with any application for Preliminary Review of a PUD, except for items waived by the Land Use Administrator.
 - a. <u>Site Plan</u>. The site plan shall conform with the requirements of a site plan set forth in Section 3.210.A.3, and the following:
 - (1) Shall be prepared on a standard 24 x 36 sheets
 - (2) Shall show all adjacent land owned by the applicant that is not part of the proposed request and indicate the current and intended use of the land.
 - (3) The topography on the site at ten-foot contours, with delineation of areas having slopes twenty percent or more and other significant topographic conditions at more defined contours.

- (4) Show public access to site, and internal circulation, not limited to vehicular. The widths, lines, and names of all existing and proposed streets, drives alleys and roads on or affecting the site, and names of existing streets and alleys, if known, on or adjoining the property. The general location and right-of-way widths for all arterials and collectors shall be shown.
- (5) Existing land uses and zoning on adjoining properties.
- (6) All public or private sources of utility services and facilities.
- (7) Delineation of the existing easements on the site, their use, whether they are to remain on site, and who holds or own easements.Delineation of all easements adjoining the property and setbacks.
- (8) The proposed setbacks from all property lines, required off-street parking, areas for landscaping, proposed use, gross square footage of structures and anticipated number of employees if commercial or industrial uses.
- (9) The unique features on the site (historical, landforms, views, etc.) which might enhance the site and proposed use.
- (10) The specific location of all land uses and proposed densities where applicable.
- (11) Depiction of all natural and man-made water courses, retention areas, streams and lakes. Any known one hundred year flood plains affecting the property shall also be delineated as per the national Flood Plain Insurance Map or those maps provided by the US Army Corps of Engineers or another recognized source.
- (12) Designate land to be held in common, open space devoted to community use, and land to be dedicated to County. The amount of open space required shall be determined on a case by case basis. An open space buffer is encouraged. If a request for payment of cash in-lieu of land dedication is to be proposed, a discussion of the cash-in-lieu proposal shall be included in the Written Description.
- (13) An environmental impact study and assessment including, but not be limited to, drainage studies, wildlife habitats, soils, economic views, vegetation and slope analysis, County services, town services, transportation, schools, climate, air quality, geology and minerals, paleontology, topography, water, recreation, visual resources, economics and sociology, cultural and noise.

- (14) Provisions of an acceptable water plan approved by the State Division of Water Resources, shall be considered a primary requisite for approval of any proposed zone within the PUD. The applicant shall make every reasonable documented effort to connect to adjoining water and sanitation districts.
- (15) Building envelopes, where applicable, in hazardous areas to protect trees and other natural resources, if deemed appropriate by planning staff
- (16) Signature block
- b. <u>Written Description</u>. A written description of the proposal shall include the following information.
 - (1) The names and addresses of owner, applicant and representative.
 - (2) General project concept and purpose of the request.
 - (3) Relationship of the proposed PUD development to the existing land uses and adjacent property land uses
 - (4) The staging and timing for the proposed development.
 - (5) Compliance with the Costilla County Comprehensive Plan.
 - (6) Source of and legal right to water.
 - (7) Method of wastewater treatment and disposal.
 - (8) Written confirmation of service availability from a water and sanitation district if the property lies within the boundaries of said district.
 - (9) Type or method of fire protection.
 - (10) The names and addresses of mineral rights owners on the affected property and mineral rights lessees; names and addresses of water rights owners.
 - (11) Description of natural and manmade hazards
 - (12) Discussion of impacts on County services, schools, town services and any other unique operation that may be pertinent to a review of the proposed zone change

- (13) Discussion of impacts on existing flora and fauna, air quality, wildlife, historical lands or sites, drainage or mineral extraction
- c. <u>Development Guide</u>. Any PUD must submit a Development Guide prior to approval of the PUD rezoning.
 - (1) Provisions established by the Development Guide shall comply with goals and policies of the Comprehensive Plan, and with the zoning regulations and amendments of this Code at the time of adoption of the Development Guide.
 - (2) The Development guide shall contain landscape design guidelines that include design criteria for the construction of parks, trails, rights-of-ways and all other land held in common.
 - (3) The Development Guide shall propose reasonable standards, variations and requirements for development which are divergent from the standards and practices outlined by these regulations. The Development Guide will be evaluated as to the appropriateness of each proposed variation during the approval process. Only those proposed variations which are deemed appropriate by the County shall become a part of the approved Development Guide. Appropriateness of variations shall be judged on the basis of the environmental and impact assessment, referral agency response, professional and academic reports and studies, adjacent land uses and natural environment, locations and other information available to the County. The current and future owners and their assigns shall be required to develop the proposed project in accordance with the approved and recorded development plan. The County zoning regulations shall be applicable to any conditions not provided for by the approved Development Guide.
- 2. Land Use Administrator Review of Preliminary Plan. Upon receipt of the required Preliminary Plan information, the Land Use Administrator shall review the submittal for accuracy, completeness and compliance with the County Comprehensive Plan and these PUD Regulations. When the Land Use Administrator is satisfied that all necessary information has been submitted, it shall refer the Preliminary Plan to the Planning Commission and to the appropriate review agencies and shall schedule a public hearing by the Planning Commission.
- 3. **Notice of Planning Commission Public Hearing**. The applicant shall provide public notice of the Planning Commission hearing in accordance with Section 3.230.

- 4. **Planning Commission Public Hearing**. The Planning Commission shall hold a public hearing on the proposed preliminary PUD and, at the close of the public hearing, recommend to the Board of County Commissioners that the PUD be approved, approved with conditions or denied based on the PUD Approval Standards of Section 7.120.
- C. **Final PUD Plan Application and Review**. The following application submittal requirements and review procedures shall apply to the PUD Final Plan Review. The PUD Preliminary Plan may be submitted at the same time for review and approval.
 - 1. **Application Submittal Requirements**. The following information shall be submitted to the Land Use Administrator with any application for final plan review of a PUD, except for items waived by the Land Use Administrator. Unless otherwise indicated, 2 copies of each document shall be submitted.
 - a. <u>Site Plan</u>. The PUD Final Plan shall be in substantial conformance with the PUD Preliminary Plan as approved, and shall include:
 - (1) The drawing shall be done at a scale of 1 inch equals 100 feet or a scale approved by the Administrator which clearly shows the entire proposal. Photo Mylar shall be used with outer dimensions of 24 x 36. Multiple sheets may be utilized with a cover sheet referencing and indexing all required graphic information. The drawings shall conform to the standards established by the County. Plats not found acceptable by the Planning Department shall be returned to the applicant for resubmission. The original and two photo mylar copies shall be submitted to the Planning Department only after the Planning Department determines the Final Plat to be adequate for scheduling before the Planning Commission.
 - (2) Title, scale, north arrow, and preparation date.
 - (3) Legal description of the proposed development, together with complete reference to the Book and Page of Records with the County.
 - (4) Primary control points, or descriptions and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
 - (5) Location and description of monuments.
 - (6) Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radius, arcs, and central angles of all cures.

- (7) Names and right-of-way width of each street or other right-of-way, even if for private maintenance and responsibility.
- (8) Location, dimensions, purposes, and the owner/holder of any easements.
- (9) Statement by owner dedicating streets, rights-of-way, and any sites for public use.
- (10) Number to identify each lot or site, such as lot and block numbers.
- (11) Purposes of sites other than residential lots that are dedicated or reserved.
- (12) Location or vicinity map to scale.
- (13) Individual gross and net acreage calculated to two decimal places.
- (14) Designation of lots where special studies are required prior to obtaining a building and/or driveway permit.
- (15) Delineation of any flood plains and building envelopes for affected properties within the PUD.
- (16) Certification of title showing the applicant is the land owner or option-holder.
- (17) Statement of attorney for the owner attesting to accuracy and appropriateness of the proposal and title.
- (18) Comments and recommendations regarding legal, planning, or engineering matters from a qualified person as plat notes approved by the Planning Commission.
- (19) Certification by the project surveyor certifying to the accuracy of the survey and plat.
- (20) Certification of Planning Department.
- (21) Certification for approval of the Board of County Commissioners.
- (22) Certification for the County Clerk and Recorder.
- b. Additional Materials.

- (1) Streets/roads plans and profiles.
- (2) Covenants, Conditions, Restrictions.
- (3) Estimated construction costs and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be required of the applicant by the County.
- (4) Disclosure letter if applicable.
- (5) Written Description of proposal.
- (6) Development Guide
- (7) Erosion control and drainage report.
- (8) Description and documentation of mechanism for maintaining and preserving open space and common areas.
- (9) Developed Lot Valuation from a qualified appraiser. Valuation and appraiser will be approved by the County Assessor.
- (10) Certification of taxes paid.
- 2. **Land Use Administrator Review**. Upon receipt of the required PUD Final Plan materials and determination of completeness, the Administrator shall refer the PUD Final Plan and the recommendation of the Planning Commission to the Board of County Commissioners, and schedule a Public Hearing with the Board of County Commissioners. The Land Use Administrator shall review the submittal for accuracy and for compliance with the County Comprehensive Plan, any conditions that the Planning Commission recommended in its preliminary review, and the approval criteria set forth in these PUD Regulations.
- 3. **Notice of Planning Commission Public Hearing**. The applicant shall provide public notice of the Board of County Commissioners Hearing in conformance with Section 3.230.
- 4. **Board of County Commissioners Hearing and Decision**. The County Commissioners shall hold a public hearing on the proposed PUD Final Plan and, at the close of the public hearing, approve, approve with conditions or deny the PUD Final Plan based on the PUD Approval Standards of Section 7.120.
- 5. **Revisions to Zoning District Maps**. Approval of a PUD Final Plan shall be recorded on the Official Zoning Maps filed in the Planning Department as soon as practicable after the PUD becomes effective.

Section 7.120 PUD Approval Standards.

In addition to the approval standards for Rezoning at Section 5.100, the following standards shall apply to PUD requests.

A. **PUD Approval Standards**

- 1. **Consistent with Comprehensive Plan.** The location, character and intent of the PUD are consistent with the County Comprehensive Plan.
- 2. **Consistent with Land Use Code.** The PUD is consistent with the purpose and intent of this Land Use Code.
- 3. **Complies with Rezoning Standards.** The PUD complies with the Rezoning Standards in Section 5.100.
- 4. **Relationship to Surrounding Area.** The PUD is compatible with the scale, intensity and type of uses located on adjacent property.
- 5. **Adequate Water and Wastewater Systems.** The PUD shall be served by water and wastewater systems that have the legal and physical capacity to serve the proposed PUD in compliance with state and federal laws.
- 6. **Street Circulation System.** The PUD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience and access. Private internal streets may be permitted, provided that adequate access for police and fire protection is maintained. Bicycle traffic shall be provided for when the site is used for residential purposes.
- 7. **Open Space.** The PUD shall preserve at least fifty (50) percent of the area as open space.
- 8. **Housing Variety.** The PUD shall provide for variety in housing types, price and ownership forms.
- 9. **Pedestrian Circulation.** The PUD shall provide pedestrian ways throughout the PUD that allow residents to walk safely and conveniently among areas of the PUD.
- 10. **Protection of the Environment.** The design and layout of the PUD will protect unique natural features and will not cause significant degradation of the environment.

- 11. **Service Delivery System Capacity.** The PUD shall not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.
- 12. **Visual Impacts.** The layout and design of the PUD shall preserve views and vistas, construction on ridgelines that are visible from major roadways or residential development shall be prohibited, and the design of the activity shall be compatible with the surrounding natural environment.
- 13. **Wildlife.** Uses and improvements within the PUD shall not be located in significant wildlife habitat areas as defined by the Colorado Division of Wildlife unless the applicant demonstrates that there is no viable alternative location. Where a use or improvement must be located in significant wild life habitat areas, the applicant shall implement all mitigation recommended by the Division of Wildlife and the County.
- 14. **Important Areas.** Uses and improvements within the PUD will not interfere with areas of paleontological, historic, or archaeological importance.
- 15. **Recreation Amenities.** The PUD shall provide recreational opportunities and amenities to residents of the PUD.
- 16. **Areas Within the PUD.** Each area within a PUD shall be planned so that failure to proceed to the next area of the will not have a significant adverse impact on the PUD or its surroundings